

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**
Erie Division

IN RE:
BRANDON E. SKELTON AND GABRIELLE M.
CHURCH

Case No. 23-10503-JCM

CARMAX BUSINESS SERVICES, LLC, A
SUBSIDIARY OF CARMAX AUTO FINANCE,
INC.,

Movant

Chapter 13

Hearing Date: TBD

Hearing Time: TBD

Objection Date: TBD

vs.

BRANDON E. SKELTON AND GABRIELLE M.
CHURCH,

Debtors

and

Ronda J Winnecour
Respondent

**OBJECTION TO CONFIRMATION
OF DEBTORS' CHAPTER 13 PLAN**

CARMAX BUSINESS SERVICES, LLC, A SUBSIDIARY OF CARMAX AUTO FINANCE, INC. ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtors' Chapter 13 Plan* (Doc 13), and states as follows:

1. The Debtors filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 27, 2023.

2. Movant holds a security interest in the Debtors' property known as 2020 Subaru,

VIN: JF2SKARC3LH403449 (the “Property”), by virtue of a Retail Installment Contract.

3. The Debtors filed a Chapter 13 Plan (the “Plan”) on October 25, 2023 (Doc 13).

4. Movant filed a Proof of Claim in this case on October 2, 2023 (Claim No. 1) which lists a total debt of \$25,438.59 and pre-petition arrears of \$555.16.

5. Movant objects to Debtors’ proposed Chapter 13 Plan as it lists Movant’s claim at \$25,248.00 with an interest rate of 7.00%. The Debtors do not provide any evidence to substantiate this value, nor do Debtors provided any reason for the interest rate listed. Attached is a copy of a J.D. Power Valuation that indicates that this exact car has a clean retail value of \$27,175.00. See attached Exhibit A.

6. Movant objects to the interest amount listed in Debtors’ Chapter 13 Plan when the contract rate of interest is 10.95%. The Debtors are attempting to cramdown the loan to \$25,248.00 with an interest rate of 7.00%. Movant’s position is that the Prime Rate when the Bankruptcy case was filed was 8.5%, adding a risk factor of 1-3% pursuant to In re Till, suggests the Debtors’ Plan should provide for interest between 9.5% to 11.5%.

7. The vehicle must be insured with comprehensive and collision insurance coverage and liability coverage in accordance with the requirements contained in the contract. CarMax, with proof that the vehicle is insured in accordance with §1326(a)(4) and this portion of the objection to confirmation should be considered a demand that the Debtor provide proof of insurance.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Mario Hanyon

Andrew Spivack, PA Bar No. 84439

Matthew Fissel, PA Bar No. 314567

Mario Hanyon, PA Bar No. 203993

Ryan Starks, PA Bar No. 330002
Jay Jones, PA Bar No. 86657
Attorney for Creditor
BROCK & SCOTT, PLLC
3825 Forrestgate Drive
Winston Salem, NC 27103
Telephone: (844) 856-6646
Facsimile: (704) 369-0760
E-Mail: PABKR@brockandscott.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**
Erie Division

IN RE:
BRANDON E. SKELTON AND GABRIELLE M.
CHURCH

Case No. 23-10503-JCM

CARMAX BUSINESS SERVICES, LLC, A
SUBSIDIARY OF CARMAX AUTO FINANCE,
INC.,

Movant

Chapter 13

Hearing Date: TBD

Hearing Time: TBD

Objection Date: TBD

vs.

BRANDON E. SKELTON AND GABRIELLE M.
CHURCH,

Debtors

and

Ronda J Winnecour
Respondent

**CERTIFICATE OF SERVICE OF OBJECTION TO CONFIRMATION OF DEBTORS'
CHAPTER 13 PLAN**

I certify under penalty of perjury that on this day, I served or caused to be served the OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN on the parties at the addresses shown below or on the attached list.

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was:

Via CM/ECF electronic notice:

Daniel P. Foster, Esq.
Foster Law Offices

Ronda J Winnecour
Suite 3250, USX Tower

1210 Park Avenue
Meadville, PA 16335
Counsel for Debtor

600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

Office of the United States Trustee
Liberty Center.
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222
US Trustee

Via First Class Mail:

BRANDON E. SKELTON
1108 CASCADE STREET
ERIE, PA 16502

GABRIELLE M. CHURCH
1108 CASCADE STREET
ERIE, PA 16502
Debtor

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, names and addresses of parties served by electronic notice will be listed under the heading "Via CM/ECF electronic notice" and those served by mail will be listed under the heading "Via First Class Mail".

EXECUTED ON: December 19, 2023

/s/Mario Hanyon
Andrew Spivack, PA Bar No. 84439
Matthew Fissel, PA Bar No. 314567
Mario Hanyon, PA Bar No. 203993
Ryan Starks, PA Bar No. 330002
Jay Jones, PA Bar No. 86657
Attorney for Creditor
BROCK & SCOTT, PLLC
3825 Forrestgate Drive
Winston Salem, NC 27103
Telephone: (844) 856-6646
Facsimile: (704) 369-0760
E-Mail: PABKR@brockandscott.com

PAWB Local Form 7 (07/13)